



FEDERAL ELECTION COMMISSION
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SENSITIVE

May 22, 2006

MEMORANDUM

TO: The Commission

FROM: Lawrence H. Norton
General Counsel

By: Rhonda J. Vosdinger
Associate General Counsel for Enforcement

SUBJECT: MURs 5403, 5440, 5427, 5466 (527 MURs – ACT, TMF, JVC, Leadership Forum, Environment '04, LCV, MoveOn.org, DNC, NDN)

I. Introduction

In the fall of 2004, we received a number of complaints alleging that a number of 527 organizations had violated the FECA, with some organizations named in multiple complaints. Shortly thereafter, we circulated to the Commission a single First General Counsel's Report addressing all of these complaints and respondents, and the Commission found reason to believe on one or more legal theories, including political committee status, coordination, and/or allocation. Since that time, we have processed these MURs generally under either a single MUR number or multiple MUR numbers that, due to the overlapping respondents, result in administrative records that can be somewhat confusing. In the interest of more streamlined record-keeping, we recommend some changes that would consolidate groups of respondents under separate MUR numbers. These changes would entail severing certain respondents from some MURs and opening new MURs that would involve only a particular group of respondents, as detailed below.

II. MUR 5403

The respondents in MUR 5403 include America Coming Together (ACT), the Leadership Forum, The Media Fund (TMF), and Joint Victory Campaign (JVC), and their treasurers. At this time, we recommend that the Leadership Forum be severed from MUR 5403 and moved to a separate new MUR, and that TMF be severed from MUR 5403 and moved into MUR 5440, where it is already the primary respondent.

ACT and Carl Pope, as treasurer, the primary respondents, would remain in MUR 5403. Because some of the allegations concerning ACT involve ACT's interactions with JVC, JVC and Janice Anne Enright, as treasurer, would also remain in MUR 5403.¹

III. MUR 5440

With respect to MUR 5440, we recommend that ACT and Carl Pope, as treasurer, be severed and moved into MUR 5403/5466.²

In addition, we recommend that the following respondents be severed and moved into four (4) new separate MURs: a) Environment 2004 (527) and Environment 2004 PAC and Aimee Christensen, as Treasurer; b) League of Conservation Voters 527; League of Conservation Voters Action Fund and Barbara Gonzalez-McIntosh, as Treasurer; c) MoveOn PAC and Wesley Boyd, as Treasurer, and MoveOn.org Voter Fund; d) New Democrat Network- AC (C00385401) and Simon Rosenberg, as Treasurer; New Democrat Network-Non Federal Account (NDN Political Fund), New Democrat Network (inactive federal account(C00319772)).

TMF would remain as the primary respondent, along with JVC and Janice A. Enright, as Treasurer, and DNC Services Corporation/DNC and Andrew Tobias, as Treasurer, because some of the allegations concerning TMF involve interactions with JVC and the DNC.³

IV. MUR 5427

MUR 5427 involves ACT and TMF, the primary respondents in MURs 5403 and 5540, respectively. We recommend that both respondents be severed from MUR 5427 and ACT and Carl Pope, as Treasurer, be moved into MUR 5403, and TMF be moved into MUR 5440. As no other respondents are involved in MUR 5427, we recommend the Commission close MUR 5427.

¹ Because ACT is the only respondent in MUR 5466, there is no need to sever ACT from MUR 5466 to ensure clear records. Thus, General Counsel's Reports, memoranda, and other documents addressing ACT will be labeled with both MUR numbers, 5403 and 5466.

² See footnote 1.

³ We are not recommending any changes with respect to the remaining respondents in MUR 5440. These respondents are: America Votes, Inc., Moving America Forward, Partnership for Americas Families, Sierra Club and Craig Haegele, as treasurer, Voices for Working Families, John Kerry for President and Robert Farmer, as treasurer. In addition, we are not making any recommendations at this time regarding the approximately 35 respondents who were not addressed in the combined First General Counsel's Report in MURs 5403, 5427, 5440, 5466 (footnote 1).

RECOMMENDATIONS

In MUR 5403:

1. Sever the Leadership Forum and open a new MUR;
2. Sever The Media Fund and move this respondent to MUR 5440.

In MUR 5440:

3. Sever ACT and Charles Pope, as Treasurer, and move these respondents to MUR 5403;
4. Sever Environment 2004 (527) and Environment 2004 PAC and Aimee Christensen, as Treasurer, and open a new MUR;
5. Sever League of Conservation Voters 527; League of Conservation Voters Action Fund and Barbara Gonzalez-McIntosh, as Treasurer, and open a new MUR;
6. Sever MoveOn PAC and Wesley Boyd, as Treasurer, and MoveOn.org Voter Fund; and open a new MUR;
7. Sever New Democrat Network- AC (C00385401) and Simon Rosenberg, as Treasurer; New Democrat Network-Non Federal Account (NDN Political Fund); and New Democrat Network (inactive federal account(C00319772); and open a new MUR.

MUR 5427:

8. Close the file.

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